

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

NOTICE OF PROPOSED RULEMAKING

**TITLE 2, CALIFORNIA CODE OF REGULATIONS,
AMENDMENTS TO SECTION 54700:
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT --
CONFLICT OF INTEREST CODE**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 2, California Code of Regulations, Section 54700 to reflect changes in positions and updating of disclosure categories in the Conflict of Interest Code for OEHHA.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OEHHA. The written comment period closes at 5:00 p.m. on **August 12, 2005**. OEHHA will only consider comments received at the OEHHA's headquarters by that time. Please submit your written comments to the contact person designated below.

Carol J. Monahan
Chief Counsel
Office of the Environmental Health Hazard Assessment
1001 "I" Street
P.O. Box 4010
Sacramento, CA 95812
Phone: (916) 322-0493
Fax: (916) 324-1786
E-mail: cmonahan@oehha.ca.gov

In the case Carol J. Monahan is unavailable, please contact:

Kimberly Russell
Staff Service Analyst
Office of the Environmental Health Hazard Assessment
1001 "I" Street
Sacramento, CA 95812
Phone: (916) 445-9376
Fax: (916) 327-7355
E-mail: krussell1@oehha.ca.gov

PUBLIC HEARING

A public hearing has not been scheduled. However, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code §11346.8. Please address all requests to OEHHHA's contact person as designated in this Notice.

INFORMATIVE DIGEST

This regulation implements Government Code sections 87300-87302, and 87306. Every governmental agency is required to adopt a conflict of interest code, which designates the positions within the agency, which make or participate in the making of decisions, which may foreseeably affect any financial interest. Conflict of interest codes require the disclosure of those interests by persons filling positions designated in the Code (Government Code section 87300 and 87302). Conflict of interest codes must be amended through the regulatory process when organizational changes occur necessitating modifications to the code (Government Code section 87306).

The OEHHHA Conflict of Interest Code is proposed to be amended as follows:

Changes to Designated Positions

Since the Conflict of Interest Code was adopted in 1992, several positions have been added, removed, or renamed in OEHHHA's organizational chart. These changes are reflected in the amended Code.

Changes to Disclosure Categories

A third disclosure category has been included for committee members. Existing categories' disclosure terms have been modified for clarity and consistency with existing law.

FISCAL IMPACT

Fiscal Impact on Local Government. This amendment will have no fiscal impact on any local entity or program, because it only applies to OEHHHA employees, contractors, and committee members.

Fiscal Impact on State Government. This amendment will have no fiscal impact on any state agency or program, because it is simply a minor amendment of an existing regulation.

Fiscal Impact on Federal Funding of State Programs. No fiscal impact exists because this proposed regulation does not effect the federal funding of any state program or agency.

The proposed amendments of the Code will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by the office, or that has otherwise been identified and brought to the attention of the office would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA will have the entire rulemaking file, and all information upon which the proposed amendments are based, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and OEHHA's most recent organizational chart. Copies may be obtained by contacting the person below:

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E-mail: cmonahan@oehha.ca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

OEHHA may amend the regulations as described in this notice. If OEHHA makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text -- with changes clearly indicated -- available to the public for at least 15 days before OEHHA amends the regulation as revised. Requests for the modified text should be made to the contact person named below. OEHHA will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes.

OEHHA will accept written comments on the modified regulations, if any, for 15 days after the date on which they are made available.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

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AUTHORITY AND REFERENCE

Authority: Government Code section 87306.

Reference: The purpose of these regulations is to implement, interpret and make specific Government Code sections 87300-87302 and 87306. This document is drafted pursuant to Title 2, Division 6, California Code of Regulations section 18750(c)(3).

OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT

JOAN E. DENTON, Ph.D.
Director

Dated: May 24, 2005